

Appl. No. 09/744,697  
Reply to Final Office Action of April 5, 2005

## **REMARKS**

### **Application Amendment**

An amendment to the main product-by-process claim is presented herein after Final Rejection. This amendment is presented in order to address the Examiner's remarks as set forth in the April 5, 2005 Final Office Action in connection with the continued art rejection of applicants' product-by-process and oxygenate conversion claims. It is believed that entry of this amendment after Final Rejection should serve to place the instant application in condition for allowance.

By the amendment presented, Claim 19 is rewritten to incorporate therein the requirement that the molecular sieve which is produced has within its structure Bronsted acid sites providing at least 30% of the total OH area in the IR spectrum of the product. Support for this amendment of Claim 19 can be found in original Claim 6

Upon entry of the claim amendment presented, Claims 1, 3-23 and 25 would remain in the application. No additional claims fee would be due as a result of this claim amendment.

### **Invention Synopsis**

The present invention relates to the preparation of silicoaluminophosphate (SAPO) and aluminophosphate (AIPO) molecular sieves. By treating the sieve synthesis mixture with colloidal crystalline molecular sieve seeds, SAPOs and AIPOs can be produced which are of relatively small particle size and which have a relatively high content of Bronstead acid OH groups within their structure. SAPOs and ALPOs of such characteristics are especially useful as catalysts to promote conversion of oxygenates to olefins.

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**Art Rejection**

In the Final Office Action, the Examiner has maintained the rejection of Claims 19, 20, 22 and 23 under 35 USC §102(b) or alternatively under 35 USC §103(a) as allegedly unpatentable over Lok et al (U.S. 4,440,871). The Examiner contends that the molecular sieve structures produced by or used in the processes of the rejected claims cannot be distinguished from the silicoaluminophosphate structures, e.g., SAPO-34, disclosed in Lok et al. Such a rejection is respectfully traversed as it would apply to the rejected claims as amended herein.

It is applicants' position that the novel, unobvious process of Claim 1 inherently produces a molecular sieve product which is different from the molecular sieves described in Lok et al. Nevertheless, to facilitate prosecution of this case, applicants are amending their main product-by-process claim to emphasize one aspect of this difference. Thus as amended, Claim 19 would specify that the molecular sieve structure resulting from the process steps of Claim 19 must contain a relatively high concentration of Bronsted acid OH groups within the crystalline structure of the sieves. As the specification examples illustrate, this is one of the differences in molecular sieve structure and chemical makeup which results when the colloidal seeding technology of the present invention is employed in comparison with similar molecular sieve preparation without the seeding technique. It is submitted that incorporation of this element into rejected Claim 19 serves to clearly distinguish the molecular sieves of and used in the present invention from those of the Lok et al patent.

Given the foregoing considerations, it is respectfully submitted that the Lok et al patent neither discloses nor suggests the molecular sieve materials of Claim 19 or the structures set forth in Claims 20, 22 and 23 which depend from amended Claim 19. Accordingly, continued rejection of applicants' amended Claims 19, 20, 22 and 23 over Lok et al under either 35 USC §102 or §103 would be improper.

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### Allowed Claims

The Final Office Action indicates that Claims 1, 3-18, 21 and 25 are allowed. As noted, it is believed that upon entry of the amendment presented that Claims 19, 20, 23 and 24 should be added to this list of allowed claims.

### Conclusions


Applicants have again made an earnest effort to place their application in proper form and to claim their invention in a manner which renders it patentably distinct from the previously applied prior art. WHEREFORE, reconsideration of this application, entry of the claim amendment presented herein, and allowance of Claims 1, 3-23, and 25 are respectfully requested. Alternatively, entry of the amendment presented herein in order to place the claims in better form for appeal is respectfully requested.

It is also respectfully requested that the Examiner expeditiously notify applicants' undersigned attorney as to the disposition of the amendments and remarks presented herein in accordance with MPEP §714.13.

Any comments or questions concerning the application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,

10 May 2005  
Date

  
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